IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITIONS NO : 15998, 16140 & 16631 of 2004

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W.P.No.15998 of 2004

Between:

K.R.J.J.V. Prasad Raju S/o. Latchi Raju, R.W.S. Undi, R/o. Undi, W.G.District.

..... PETITIONER

AND

1. The Govt of A.P., rep. by its Secretary, Panchayat Raj & Rural Development Dept., Secretariat, Hyderabad.
2. The Engineer-in-Chief, Panchayat Raj, Erra Manzil, Hyderabad.
3. The Superintendent Engineer, Panchayat Raj, W.G.District Eluru.
4. The Executive Engineer, Panchayat Raj, West Godavari Dist, Eluru.
5. The Mandal Parishad Development Officer, Kalla Mandal, West Godavari District.
6. Sri S. Srinivasa Rao, Asst. Engineer, Mandal Parishad, Kalla, W.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue any order or direction, or any appropriate writ more particularly in the nature of

Writ of Mandamus declaring the orders passed in O.A.No.4837 of 2004 dt. 31.8.2004 in so far as granting Status-quo ante, as arbitrary, illegal, null and void and is against the principles of natural justice and norms of the public policy and is without notice and to set aside the same.

Counsel for the Petitioner:MR.VENKATESWARA RAO GUDAPATI.

Counsel for the Respondents 1 to 5: GP FOR SERVICES II.

W.P.No.16140 of 2004

Between:

T. Venkaiah, S/o. Subba Rao, Quality Control Sub Division, P.R. Department, Guntur.

..... PETITIONER

AND

1. The Goverenment of Andhra Pradesh, rep by its Prl. Secretary, Panchayat Raj & Rural Development, Secretariat, Hyderabad.
2. The Engineer-in-Chief, Panchayat Raj Department, Erramanzil, Hyderabad.
3. The Executive Engineer, Quality Control, Panchayat Raj Dept., Vijayawada.
4. Y. Ramesh Babu, S/o. late Sri Premnandam, Quality Control, Sub Division, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus declaring the judgment in O.A.No. 4789/2004 dated 31-8-2004 of the A.P. Administrative Tribunal as illegal, arbitrary, and violative of Articles 14 & 16 of the constitution of India, apart from violative of Principles of natural justice.

Counsel for the Petitioner:MR.M.VIJAY KUMAR.

Counsel for the Respondents 1 to 3: GP FOR SERVICES II.

W.P.No.16631 of 2004

Between:

R. Srinivasulu, S/o. Rajagopala Reddy, M.P. Dattuluru, Nellore District.

..... PETITIONER

AND

1. Gopi Krishna, S/o. Ramanaiah, Panchayat Raj, Jaladanki, Nellore District.

2. The Government of A.P. rep by its Secretary, Panchayat Raj and Rural Development, Secretariat, Hyderabad.

3. The Engineer-in-Chief, Panchayat Raj, Erramanzil, Hyderabad.

4. The Mandal Parishad Development Officer, Mandal Parishad, Jaladanki, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction more particularly one in the nature of Writ of Mandamus to set aside the final orders of A.P. Administrative Tribunal in O.A. 4821/04 dated 31-08-2004 in so far as the direction to maintain status quo ante in respect the 1st respondent, as it is one passed without any notice to the petitioner, violative of principles of natural justice and consequentially direct the respondents to continue the Petitioner as Assistant Engineer, M.P.P.R., Jaladanki, Nellore District taking into consideration his relieving order and joining order dated 20-8-2004.

Counsel for the Petitioner:MR.K.R.SRINIVAS.

Counsel for the Respondent No.4: MR.DANTU.SRINIVAS.

Counsel for the Respondents No.2 and 3: G.P. for Services.

The Court at the stage of admission made the following :

ORAL COMMON ORDER: (per GR,J)

The petitioners are respondents in the O.As filed by the party-respondents in these writ petitions. The party respondents and some other Assistant Engineers challenged the orders of the transfers issued by the Engineer-in-Chief, Hyderabad.

The grounds of challenge before the Andhra Pradesh Administrative Tribunal were that the proposals on the basis of which transfers have been effected are not on administrative or public interest grounds; the Engineer in Chief has not sent any such proposal on his own and that the Government cannot violate its own instructions and cannot accommodate the vested interests of unofficial respondents, detrimental to public interest. Another ground alleged was that an Assistant Executive Engineer cannot be posted in a vacancy of Assistant Engineer or vice-versa. A number of government orders structuring the discretion to affect transfers were relied on by the contesting parties and the Government as a respondent also before the Andhra Pradesh Administrative Tribunal. The Tribunal by a common order dated 31.8.2004, on analysis of the contents of G.O.Rt.No.157, Panchayat Raj

and Rural Development (Estt.III) Department, dated 3.5.2000, found that a right of appeal was available to persons who are transferred whereby an appeal could be preferred to the Government, as orders of transfer are inherently administrative arrangements. The Tribunal, in view of the fact that an appellate remedy was available to the aggrieved transferees, permitted the applicants to pursue appellate remedy. As, if the *status quo* were disturbed pending consideration of the appellate remedy the applicants would suffer prejudice and the government unnecessary expenditure, the Tribunal directed *status quo* ante be maintained till the applicants file their appeals and the government pass appropriate orders with regard to interim stay. Aggrieved by the orders of *status quo ante* granted by the Tribunal, some of the party respondents in the O.As, who claim to have already taken charge at the places they were transferred to, have filed these writ petitions contending that as they were already posted to particular places and they have taken charge thereat, such status ought not to have been disturbed by the Tribunal by granting orders of *status quo ante*.

It is represented by the learned Government Pleader for the official respondents that the appeals of the party respondents in these writ petitions were considered and rejected by the State Government by several orders. One such order viz., in Memo No.9239/EII/2004-1 of Government of Andhra Pradesh, Panchayat Raj and Rural Development (Estt.II) Department, dated 8.10.2004 is placed for the perusal of this Court, wherein the appellant before the government is the party respondent in W.P.No.16140 of 2004. The government has rejected the appeal. The learned Government Pleader states that similarly the appeals of the party respondents in each of these writ petitions have been considered and rejected.

The grievance of the writ petitioners is within a narrow locus, namely, the *status quo ante* orders granted by the Tribunal. As these orders are to operate only till the government disposes of the appeals preferred by the party respondents and as such appeals now been disposed by the orders dated 8.10.2004 by the State Government, the orders of *status quo ante* granted by the Tribunal do not survive nor do the grievances of the petitioners. In the above analysis, the writ petitions are dismissed as infructuous.

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To

1. The Govt of A.P., rep. by its Secretary, Panchayat Raj & Rural Development Dept., Secretariat, Hyderabad.
2. The Engineer-in-Chief, Panchayat Raj, Erra Manzil, Hyderabad.
3. The Superintendent Engineer, Panchayat Raj, W.G.District Eluru.
4. The Executive Engineer, Panchayat Raj, West Godavari Dist, Eluru.
5. The Mandal Parishad Development Officer, Kalla Mandal, West Godavari District.
6. The Executive Engineer, Quality Control, Panchayat Raj Dept., Vijayawada.
7. The Mandal Parishad Development Officer, Mandal Parishad, Jaladanki, Nellore District.
8. Two CCs to the G.P. for Services-II, High Court Buildings, Hyderabad (OUT).
9. Two CD copies.